

Regular Town Board meeting update

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Public Works Department reported that the run-off is in high gear now and the bag filters on the water system are handling the turbidity quite well.

Town Attorney Eric Heil reported that he had compiled information on sales of mining claims in relation to the Webster/Sell and St. Louis Tunnel value. He reported that several different realtors said the St. Louis tunnel mining area has considerably more value to it than the EPA (Environmental Protection Agency) originally said. The EPA sued the Webster/Sell estates and was awarded \$290,000.00 for the future clean up of the mine discharge at the St. Louis tunnel site. Town officials did not concur with the EPA's settlement, stating that the dollar amount was not enough. The District Court Judge is willing to listen to objectors, i.e. the Town of Rico, whereas the EPA does not favor this action, said Heil.

Under Old Business item a. - Introduction of an ordinance establishing a metropolitan sewage district enterprise was tabled once again.

Item b. - 1" reading of Or-

inance No. 2004-1, authorizing the sale of lot 7, block 1 was finalized by building lessee Jon Kornbluh. Kornbluh said, "I got tired of trying to convince the Board—I think the process went a rye—I'm not ready to move on anything with the Town right now."

Harrison appeared to not understand what Kornbluh was saying and said the Town Board should make some resolve and answer any outstanding questions.

"I'm not interested in discussing this with the Board anymore," said Kornbluh, and recommended that it be removed from the agenda from now on.

Item c. - Public Hearing: Reading of voluntary clean up application. CDH&E (Colorado Department of Health & Environment) representative Mark Walker relayed to Heil in a previous conversation that the VCUP was incomplete and made recommendations to revise it. Heil and ARCO (Atlantic Richfield Co.) agreed to make the necessary changes:

- Boundaries of cleanup site need to be specified.
- Institutional controls reviewed and in place.
- A #10 sieve to be used at all sites.

- Depth sampling below 2" will not be employed.

- Applicants will meet with the oversight agency to review correlation data.

- Applicants will resample yards that EPA collected last fall.

- Make more clear the commitment to sample and/or the need to remediate obvious source areas in Zone 2.

- Grading plan for the final contours of the Van Winkle waste rock pile.

- EPA desires a role in the selection of the locations for the twelve bioavailability samples used to calculate action level.

- Clarify plans for remediation at the 91,000 ppm site.

- Clarify what modifications to the SAP will be employed to adequately assess town streets.

- Finalize plans for proper disposal of soils generated during remediation efforts.

Heil has recommended to the Town Manager and Board members that the Town should enter a co-applicant agreement with ARCO and Rico Renais-

sance.

Stephen Glass from the Gault Group, Inc. and Dr. John Callender, two environmental engineers were hired pro bono to assist and advise Town officials with the lead clean up work that will take place this summer.

Glass attended the meeting and highly disagreed with Heil's recommendation. Glass stated that it would not behoove the Town to enter into a co-applicant agreement with ARCO.

Glass said in a phone conversation on Friday that, "Without the Town's endorsement of their (ARCO) VCUP plan, it would be less likely that the EPA and the State would approve it. Additionally, agencies (EPA) generally do not like an attorney as the strategist on a technical project. It's a bad deal."

"The lack of Rico's growth may be an unanticipated consequence for the Town. The unanticipated consequence being not holding ARCO to a higher standard. They (the Town) take on ARCO's baggage that they have with the EPA if the Town becomes a co-applicant," said Glass. Glass suggested residents could do a web search to see for themselves that ARCO has plenty of baggage with the EPA.

ARCO is proposing to do more extensive soil sampling, and to only test a depth of 0-2 inches of soil. The EPA and State are suggesting testing soil to a depth of 0-3 inches. ARCO is proposing a limited depth sampling, stating that 0-2 inches is when exposure would occur to humans. Even though ARCO is proposing to test only the top 2 inches of soil for contamination, their VCUP plan is calling for replacing the top 12 inches of soil at contaminated yards.

Board member Judy Schaefer asked Heil to reiterate why the Town should or should not be a co-applicant in the VCUP. Heil stated that it sends a strong message to the EPA that the Town approves the VCUP. He added that the Town could withdraw at any time from being a co-applicant, but that it "gives good structure to do it".

Glass spoke up, "It feels that the tone tonight is that the EPA is an 800-lb. gorilla." Heil responded, "I think Steve's perception is pretty accurate. The EPA came on strong at the be-

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Animas River — Blown out by off and unfishable. Gold Medal tier from Lightner Creek to Ple Cliffs, flies and lures only, and possession limit of two at 16 inches or longer.

Blue Mesa Reservoir — Lake fishing has heated up near the n; large Kwikfish and Bombers fished 40 to 60 feet deep are most effective. Kokanee salmon are also fishing on. Use Kokanee Killers, redfish and red or green Amies 15 to 25 feet of water. Brown out are hitting well in Iola Basin a rainbow-colored Rapalas and their minnow imitations trolled ear the shoreline.

Dolores River (lower) — Flow 59 cfs below McPhee Reservoir and clear. This is a nice stretch of river to fish if your expectations are not high. Previous droughts have killed off many fish and it will take several years for the fishery to recover, despite habitat improvements below the reservoir and stocking of the 12-mile section from the dam to Bradford Bridge.

Dolores River (upper) — Flowing at 1,280 cfs in Dolores and blown out by runoff. This section fishes well when clear. Although drought has reduced the trout population, the river above McPhee

Reservoir has been restocked with fingerling browns and a few catchable rainbows.

McPhee Reservoir — Trout fishing for stocker rainbows is good. This reservoir is chronically under-utilized and a great place to fish if you like uncrowded water. Although the lake level is down, the conservation pool is large and the boat ramp is always usable. McPhee has many smallmouth bass, best fished in June when they spawn. It also has been stocked with kokanee salmon.

San Juan River — Flowing at 1,120 in Pagosa Springs and blown out by runoff. The river above Navajo Reservoir will not be fishable until mid-June. Fishing below the dam, on the San Juan Quality Waters in New Mexico is always excellent at this time of year.

Vallecito Reservoir — Fishing for brown trout and pike has been excellent. Recent catches include a 22-pound brown and 20-pound pike. Trout fishing should be good here through July, then kokanee fishing picks up until summer's end. Anglers should not count on catching many kokanee this year as a large number of salmon were killed by oxygen depletion due to low water levels last August.

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placed nigh in the west after dark for Northern Hemisphere viewers. NEAT was glowing at about magnitude 4.2 as of May 20th, dwindling daily as it moved farther from both Earth and Sun.

For observers in the Southern Hemisphere, NEAT is getting very low in the north right after dusk. By May 19th the comet was smaller and dimmer with even less of a tail, but it still showed its greenish color. The 12.5-inch at 75x and 180x continued to highlight the bright nucleus, now with a V-shaped fan much smaller and more sharply defined than eight days before.

Comet LINEAR (C/2002 T7) is currently out of sight from midnorthern latitudes, but just wait! It will emerge into binocular view in the dusk during the last few days of May (perhaps the

20th LINEAR's head was reported at magnitude 2.8, nearly in line with predictions.

This Week's Planet Roundup

Mercury (about magnitude 0) is deep in the glow of dawn. Scan for it with binoculars just above the east horizon 30 or 40 minutes

by more than a fist-width at arm's length. Don't miss dimmer little Mars close by. **Uranus and Neptune** (magnitudes 6 and 8, respectively, in Aquarius and Capricornus) are in the southeast before dawn. **Pluto** (magnitude 14, in Ophiuchus) is well up in the southeast by midnight.

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Town Board meeting

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ginning and now seems to be backing off. I think the Town considering being a co-applicant has been instrumental in their change of heart."

Heil said he thought the Town would be better informed and always in the loop with the EPA and ARCO, if a co-applicant agreement was in place.

Harrison stated, "I don't think ARCO or the Town is the weak link in this co-applicant agreement. EPA's not returning my phone calls or sharing information with us."

Resident Kathryn Hurtley is not convinced the Town should become a co-applicant and asked McCarthy, "Why do you want the Town as a co-applicant?" McCarthy's reply was, "I think what Eric says is true and I think we've been very clear from the start that we won't expect the Town to incur any cost, and also, it does send the right message."

Mayor Tom Clark stated, "We've been dis-invited to meetings with the EPA — the EPA attorney has not been forthright and open with us."

Heil and Harrison feel that the Town has not been 'kept in the loop' when it comes to communication between the Town and the EPA.

An Institutional Control was suggested be put in place on some contaminated areas, requiring special permits for excavation.

Meaning that once the VCUP was complete by ARCO, additional building or excavat-

ing on possible contaminated soil would shift the financial burden on the property owner, which would include soil sampling and removal of soil to a repository site.

At first, ARCO representative McCarthy said he disagreed: Glass asked McCarthy, "If the VCUP is complete will vacant land owners have to foot the bill for clean up later?" This time McCarthy stated that he did not know.

Board member Jon Kornbluh expressed his concern for new development and how hard it might become economically for new people to meet this standard. Then who pays for it, asked Kornbluh? No one could give a definite answer at Wednesday night's meeting.

Property owner Ed Merritt was concerned about where the repository would be. He is considering building on his property west of the river, and wondered if he would have to pay a trucking company to haul the soil to a site in Utah (or somewhere else). Heil said, "It's an issue, and we're looking into it."

"At any point the EPA can step in and say you're mucking things up and do it themselves and send ARCO the bill," said Glass.

Without the Town's endorsement of ARCO's VCUP, it would be less likely that the EPA and the State would approve the plan, said Glass.

A motion was made to approve the VCUP with ARCO and Rico Renaissance as co-applicants. The motion passed contingent upon the aforementioned revisions.

Under New Business, item a. — Appointment of Directors to the Rico Center. Erin Sweet and Kathryn Hurtley were appointed as new directors.

Item b. — Consideration of funding requests for July 4th and 125th Quasquicentennial celebration by the Rico Fire Department and Rico Women's Club was granted in the amount of \$2,500 and \$2,000, respectively.

Item c. — Public Hearing — approval of new liquor license *continued on page 11*

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Crossword Answers

